

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-v.-

JOHN NICHOLAS BURLING,

Defendant.

- - - - - x

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:

CONSENT PRELIMINARY ORDER OF
: FORFEITURE/MONEY JUDGMENT

: S2 12 Cr. 868 (NRB)

:

WHEREAS, on or about July 18, 2013, JOHN NICHOLAS BURLING (the "defendant") was charged in a nine-count Second Superseding Information, S2 12 Cr. 868 (NRB) (the "Information"), with conspiracy to dispense controlled substances by means of the Internet, in violation of Title 21, United States Code, Sections 846 and 841(b) (1) (E) (Count One); dispensing controlled substances by means of the Internet, in violation of Title 21, United States Code, Sections 841(h) (1) (A) - (B) and 841(b) (1) (E) (Count Two); conspiracy to commit misbranding of prescription drugs, in violation of Title 18, United States Code, Section 371 (Count Three); misbranding of prescription drugs, in violation of Title 21, United States Code, Sections 331(a), 333(a) (2), and 353(b) and Title 18, United States Code, Section 2 (Count Four); conspiracy to commit mail fraud and wire fraud, in violation of Title 18, United States Code, Section 1349 (Count Five); mail fraud, in violation of Title 18, United States Code, Sections 1341 and 2 (Count Six); wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 (Count Seven); conspiracy to commit money laundering, in violation of Title 18,

United States Code, Section 1956(h) (Count Eight); and international money laundering, in violation of Title 18, United States Code, Sections 1956(a)(2)(A) and 2 (Count Nine);

WHEREAS, the Information included a forfeiture allegation, seeking forfeiture to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the said violations alleged in Counts One and Two of the Information;

WHEREAS, on or about July 18, 2013, the defendant pled guilty to Counts One through Nine of the Information, pursuant to a plea agreement with the Government, admitted the forfeiture allegations, including those allegations with respect to Counts and Two of the Information, and agreed to forfeit a sum of money equal to \$211,411.02 representing property constituting or derived from proceeds the defendant obtained directly or indirectly as a result of the said violations alleged in Counts One and Two of the Information; and

WHEREAS, the defendant consents to the imposition of a money judgment in the amount of \$211,411.02, representing property constituting or derived from proceeds the defendant obtained directly or indirectly as a result of the said violations alleged in Counts One and Two of the Information, pursuant to Title 21, United States Code, Section 853;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offenses charged in Counts One and Two of the Information, to which the defendant pled guilty, a money judgment in the amount of \$211,411.02 in United States currency (the "Money Judgment") shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, this Order is final as to the defendant, JOHN NICHOLAS BURLING, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. Upon execution of this Consent Preliminary Order of Forfeiture/Money Judgment, and pursuant to Title 21, United States Code, Section 853, the United States Marshals Service, or its designee, shall be authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

4. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable in this instance to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007, and shall indicate the defendant's name and case number.

5. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

6. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure.

7. The Clerk of the Court shall forward three certified copies of this Order to Assistant United States Attorney Alexander Wilson, Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

8. The signature page of this Order may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York


By: Dan Richenthal
Daniel C. Richenthal
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2109

10/28/19
DATE

JOHN NICHOLAS BURLING, DEFENDANT

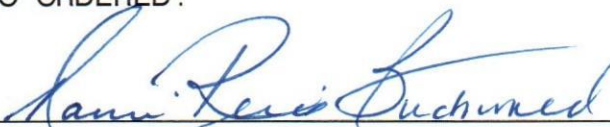
By: 
JOHN NICHOLAS BURLING

10/28/19
DATE

By: 
ROSS KRAMER, ESQ.
Winston & Strawn
200 Park Avenue
New York, NY 10166

10/28/19
DATE

SO ORDERED:


HONORABLE NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

October 28, 2019
DATE